

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:20-CV-00574-KDB-DCK**

**ASHLEY BOLTON,**

**Plaintiff,**

**v.**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's Motion for Summary Judgment (Doc. No. 19); Defendant's Motion for Summary Judgment (Doc. No. 22); the Memorandum and Recommendation and Order of the Honorable Magistrate Judge David C. Keesler ("M&R") entered August 23, 2022 (Doc. No. 25); Plaintiffs' Objections to the M&R (Doc. No. 26) and the parties' associated briefs and exhibits that have been considered in accordance with this Order.

**I. LEGAL STANDARD**

A district court may designate a magistrate judge to "submit to a judge of the court proposed findings of fact and recommendations for the disposition" of certain pretrial matters. 28 U.S.C. § 636(b)(1). Any party may object to the magistrate judge's proposed findings and recommendations, and the court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Objections to the magistrate's proposed findings and recommendations must be made "with sufficient specificity so as reasonably to alert the district court of the true ground for the objection." *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir.), *cert. denied*,

551 U.S. 1157 (2007). However, the Court does not perform a *de novo* review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). After reviewing the record, the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

## II. DISCUSSION

The Court has conducted an independent review of the M&R, Plaintiff’s objection, and a *de novo* review of the applicable record. Upon that review, the Court concludes that the recommendation to affirm the Commissioner’s finding that Plaintiff was not disabled under the Social Security Act during the relevant period is correct and in accordance with law. The Court finds, as did the Magistrate Judge, that substantial evidence supports the ALJ’s conclusion that Plaintiff was not disabled.<sup>1</sup> Therefore, for the reasons fully stated in the M&R, the findings and conclusions of the Magistrate Judge are **ADOPTED**, the Defendant’s motion will be **GRANTED**, the Plaintiff’s motion will be **DENIED** and the Commissioner’s decision will be **AFFIRMED**.

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<sup>1</sup> In addition to Plaintiff’s argument that the ALJ’s decision was not supported by substantial evidence with respect to whether the minor child K.B. met Listing 112.08, Plaintiff argued in its motion for summary judgment that the ALJ’s decision was “constitutionally defective.” While the Court agrees with the M&R’s rejection of that argument, no objection was raised on that issue so the Court need not address it separately in this Order.

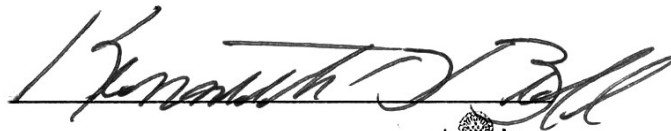
### III. ORDER

#### NOW THEREFORE IT IS ORDERED THAT:

1. Defendant's Motion for Summary Judgment (Doc. No. 22) is **GRANTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 19) is **DENIED**;
3. The Commissioner's decision is **AFFIRMED**; and
4. The Clerk is directed to close this matter in accordance with this Order.

#### SO ORDERED ADJUDGED AND DECREED.

Signed: September 21, 2022



Kenneth D. Bell  
United States District Judge

